

Claims 1-21 and 24-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mir.

Claims 22, 23, 45, and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mir in view of LaDue U.S. Patent 5,999,808.

II. Summary of Applicant's Reply

The rejections are respectfully traversed.

III. Applicant's Reply to the Rejection of the Claims

A. The Anticipation Rejection of Claims 1 and 24

Independent claims 1 and 24 are directed toward a method and system, respectively, for placing interactive wagers on races that are to be run using an interactive wagering application that is implemented using user equipment. The user is provided with an opportunity to direct the interactive wagering application to automatically select at least one runner to be used in a wager for a race to be run.

In rejecting independent claims 1 and 24 as being anticipated in view of Mir, the Examiner stated that "[a]n artisan of ordinary skill could easily determine by a reading of Mir that all of the instantly claimed subject matter is disclosed." Office Action, page 2. Applicant believes the Examiner cited Mir for the "Quick Pick" feature in which "the player may have the [wagering] system select the remaining

winners by touching the 'Quick Pick' button." Mir, column 7, lines 16-20; see also FIGS. 3-6.

Although it is true that applicant's invention provides for automatically selecting runners to be used in a wager for a race, applicant's invention as claimed in independent claims 1 and 24, provides for automatically selecting runners to be used in a wager for a race to be run. This is in contrast to Mir which is directed towards only "a gaming system which enables parimutuel wagering with instant payoffs on actual past events." Mir, column 2, lines 10-12; emphasis added.

Accordingly, independent claims 1 and 24 are not anticipated by Mir.

B. The Obviousness Rejection of Claims 1 and 24

As shown above in response to the anticipation rejection, there is no showing or suggestion in Mir to place a wager on a race to be run. In fact, Mir teaches away from placing wagers on races to be run.

Mir takes historical event data (racing data) and presents the data to a wagerer. Upon placing a wager based on a portion of the data (e.g., past performance of runners), the identity of the race is revealed and a video image of the race is displayed. For example:

[A] player attempts to choose the winners of an unknown past event. Although the player does not know which event will be presented, some skill data may be

shown on the video display, such as the relative past performance of competitors. After the player makes a selection of winners, the identity of the event is revealed ... and the actual winners are presented.

Mir, column 2, lines 36-44.

Mir uses historical data because, even with simulcasting (which allows patrons to wager on races televised from other sites rather than watching a live race), "the number of wagers a patron can make is still limited." Mir, column 1, lines 54-55. Mir uses historical data such that a patron can place wagers on races with the same frequency as he could place wagers using a slot machine. See Mir, column 1, line 55.

In addition, using historical data enables Mir to offer wagerers instant payoffs. Mir contrasts wagering on recorded events and wagering on live events by stating that with live parimutuel wagering, a number of players place bets on the outcome of a single event and then the players must wait for the results of that event. See Mir, column 2, lines 52-56. Mir suggests that live parimutuel wagering is undesirable because a wagerer cannot receive an instant payoff after placing a wager on a live event because the wagerer must wait for the outcome of that event. See Mir, column 2, lines 44-56.

Accordingly, in view of the foregoing, Mir teaches away from wagering on live events (i.e., races to be run) because live events do not provide instant payoffs and because the number and frequency of wagers a user can place on live

events is limited. Mir, in stark contrast to applicant's invention, teaches wagering on past events that have already been run. Therefore, independent claims 1 and 24 are not obvious in view of Mir.

In addition, because claims 1 and 24 are not anticipated by Mir and are not obvious in view of Mir, claims 1 and 24 are allowable.

C. Dependent Claims 2-23 and 25-46

Applicants respectfully submit that independent claims 1 and 24 are allowable. Claims 2-23 and 25-46 which depend from claims 1 and 24, respectively, are therefore also allowable.

IV. Conclusion

For at least the foregoing reasons, applicant respectfully submits that claims 1-46 are in condition for allowance. This application is therefore in condition for

allowance. Reconsideration and allowance of this application
are respectfully requested.

Respectfully submitted,



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